

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints:

Prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size will be examined to determine the absence or presence of black-footed ferrets. The findings of this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy that would be in violation of the Endangered Species Act (ESA).

The lessee or operator may, at their own option, conduct an examination on the leased lands to determine if black-footed ferrets are present, if the proposed activity will have an adverse effect, or if the area can be cleared. This examination must be done by, or under the supervision of, a qualified resource specialist approved by the Surface Management Agency (SMA).

An acceptable report must be provided to the SMA documenting the presence or absence of black-footed ferrets and identifying the anticipated effects of the proposed action on the black-footed ferret and its habitat.

This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:

Assure compliance with the ESA by locating and protecting black-footed ferrets and their habitat.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes.

Exception: An exception may be granted by the authorized officer for surface-disturbing activities determined to have no adverse effect on black-footed ferrets and ferret habitat.

Modification: The boundaries of the stipulated area may be modified by the authorized officer if portions of the leasehold are cleared based on current and/or past black-footed ferret studies.

Waiver: This stipulation may be waived if the entire leasehold is block cleared or permanently cleared based on current and/or past black-footed ferret surveys, or if the black-footed ferret is declared recovered and no longer subject to the ESA.

CSU 12-3
Miles City Field Office
Billings Field Office
South Dakota Field Office